

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DARVION EARL

PETITIONER

VS.

CIVIL ACTION NO. 3:16CV636TSL-RHW

STATE OF MISSISSIPPI
AND BILLIE SOLLIE

RESPONDENTS

ORDER

This cause is before the court on the report and recommendation of Magistrate Judge Robert H. Walker entered on March 17, 2017, recommending that respondent's motion to dismiss Earl's § 2241 petition be granted and that the petition be dismissed. Petitioner Darvion Earl has not filed an objection and the time for doing so has expired. Having reviewed the report and recommendation, the court concludes that the report and recommendation is well taken and hereby adopts, as its own opinion, the magistrate judge's report and recommendation.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate Robert H. Walker entered on March 17, 2017, be, and the same is hereby, adopted as the finding of this court. Accordingly, it is ordered that respondent's motion to dismiss is granted and the petition is dismissed.

It is further ordered that a certificate of appealability is denied. Petitioner has failed to demonstrate that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right" and that "jurists of reason would find it debatable whether [this] court was correct

in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 146 L. Ed. 2d 542 (2000).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 10th day of April, 2017.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE